

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>CAPITAL LENDING, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:17cv612</b>
	)	
<b>JOHN C. CARROLL, et al.,</b>	)	
<b>Defendants.</b>	)	
	)	

**ORDER**

Plaintiff Capital Lending, LLC brought this diversity action for breach of contract on May 26, 2017. The plaintiff, through its various members, is a citizen of Utah and Idaho; defendant John C. Carroll (“Carroll”) is a citizen of the Commonwealth of Virginia; and defendant Michael J. Ferraguto, Jr. (“Ferraguto”) is a citizen of the State of Massachusetts. Thus, complete diversity exists. Moreover, § 1332’s amount-in-controversy requirement is satisfied because plaintiff is suing defendants for \$500,000, the amount of a commercial loan that defendants agreed to guaranty. Because the loan is in default, plaintiff seeks \$500,000 from defendants as guaranties.

On July 31, 2017, the Clerk of Court entered default against defendant Carroll after he failed to file a responsive pleading or otherwise appear in this action. (Doc. 14.) Similarly, the Clerk of Court entered default against defendant Ferraguto on September 7, 2017. (Doc. 19.) Thereafter, plaintiff filed a motion for default judgment which was referred to Magistrate Judge Nachmanoff pursuant to 28 U.S.C. § 936 to issue a Report

and Recommendation ("Report"). On October 3, 2017, Judge Nachmanoff issued his thorough and well-reasoned Report, recommending that judgment be entered against the defendants and in favor of plaintiff in the amount of \$500,000.


No party filed objections within fourteen (14) days as set forth in the Report.<sup>1</sup> Because Judge Nachmanoff's recommendation is well-reasoned and his factual findings and legal conclusions are well-founded, he did not clearly err and therefore his Report and Recommendation (Doc. 30) is **ADOPTED** as the opinion of this Court.

Accordingly,

It is hereby by **ORDERED** that judgment is entered on behalf of plaintiff and against defendants in the amount of five-hundred thousand dollars (\$500,000.00).

The Clerk of the Court is directed to enter final judgment in accordance with this Order, and to place this matter among the ended causes.

Alexandria, Virginia  
October 23, 2017

  
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T. S. Ellis, III  
United States District Judge

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<sup>1</sup> "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).